

**OHIO**

**SENATE**

**JOURNAL**

WEDNESDAY, MARCH 17, 2010

ONE HUNDRED SIXTY-FOURTH DAY  
Senate Chamber, Columbus, Ohio  
Wednesday, March 17, 2010, 11:15 a.m.

The Senate met pursuant to adjournment.

The journal of the last legislative day was read and approved.

**REPORTS OF REFERENCE AND BILLS FOR SECOND  
CONSIDERATION**

Senator Goodman reports for the Standing Committee on Reference, recommending that the following bills and resolutions, standing in order for second consideration, be referred to committee as recommended:

**Sub. H. B. No. 204**-Representatives Letson, Slesnick, et al.

To amend sections 4507.05, 4510.12, 4511.53, 4511.69, and 4513.03 of the Revised Code to permit a motorcycle operator to back the motorcycle into an angled parking space, to codify the restrictions that apply to a person who operates a motorcycle pursuant to a motorcycle temporary instruction permit, to clarify the penalties for operating a motorcycle without having either a motorcycle endorsement or the proper restricted license, and to provide generally that lighted daytime running lights satisfy the requirement that motor vehicles display lighted lights at any time when the vehicle's windshield wipers are in use because of precipitation on the windshield.

To the Committee on Highways and Transportation.

**Sub. H. B. No. 314**-Representative Ujvagi, et al.

To amend sections 2105.35 and 2108.40 of the Revised Code to authorize registered nurses to determine and pronounce death.

To the Committee on Health, Human Services and Aging.

**H. B. No. 356**-Representative Mallory, et al.

To amend section 122.12 of the Revised Code to include certain Olympic-style boxing competitions as sporting events for which state grants may be awarded to a county or municipal corporation.

To the Committee on Finance and Financial Institutions.

**H. B. No. 394**-Representative Garrison, et al.

To amend section 101.27 of the Revised Code to require that a member of the General Assembly in fact travel to or from the member's residence and to or from the seat of government to receive a travel reimbursement.

To the Committee on Finance and Financial Institutions.

**Sub. H. B. No. 414**-Representatives Sayre, Bolon, et al.

To amend section 102.02 and to enact sections 904.01 to 904.08 of the Revised Code to establish requirements and responsibilities of the Ohio Livestock Care Standards Board and the Director of Agriculture in administering and enforcing the rules adopted by the Board that govern the care and well-being of livestock in this state.

To the Committee on Agriculture.

**Sub. H. B. No. 449**-Representative Ujvagi, et al.

To amend sections 2108.72, 2108.73, 5902.02, and 5923.05 of the Revised Code to allow a DD Form 93, Record of Emergency Data, to satisfy the written declaration requirements for designating a person authorized to direct disposition of human remains, to modify the membership of the Veterans Advisory Committee, and to provide publicly employed firefighters and emergency medical technicians with a minimum paid military leave of seventeen 24-hour days.

To the Committee on State and Local Government and Veterans' Affairs.

**Sub. H. B. No. 462**-Representative Sykes, et al.

To make capital reappropriations for the biennium ending June 30, 2012, and certain capital appropriations.

To the Committee on Finance and Financial Institutions.

**S. B. No. 237**-Senator Smith, et al.

To amend sections 2950.06, 2950.10, 2950.11, and 2950.13 of the Revised Code to apply SORN Law victim notification and community notification to

specified offenders or delinquent children who verify their registered residence address and for whom such notifications previously have not been provided and to revise the criteria for subjecting offenders and delinquent children to SORN Law community notification.

To the Committee on Judiciary - Criminal Justice.

**S. B. No. 238**-Senator Seitz, et al.

To amend sections 2743.02, 2744.02, 4123.01, and 4123.511 and to enact sections 2307.82, 4123.513, 4123.514, and 4123.515 of the Revised Code to prohibit illegal and unauthorized aliens from receiving compensation and benefits under Ohio's Workers' Compensation Law.

To the Committee on Insurance, Commerce and Labor.

**S. B. No. 239**-Senators Jones, Schaffer, et al.

To amend sections 2923.121, 2923.128, and 2923.16 of the Revised Code to permit a concealed carry licensee to possess a firearm in liquor permit premises, or an open air arena, for which a D permit has been issued if the licensee is not consuming liquor or under the influence of alcohol or a drug of abuse and to modify the offense of improperly handling firearms in a motor vehicle as it applies to concealed carry licensees.

To the Committee on Judiciary - Criminal Justice.

**S. B. No. 240**-Senator Husted, et al.

To amend sections 3517.01, 3517.105, 3517.1011, 3517.13, 3517.992, 3599.03, 5727.61, and 5733.27 of the Revised Code to permit domestic corporations and labor organizations to make independent expenditures and electioneering communications in support of or opposition to candidates for nomination or election and to require a domestic corporation or labor organization that makes such expenditures to file related campaign finance statements.

To the Committee on State and Local Government and Veterans' Affairs.

**S. R. No. 178**-Senator Kearney, et al.

To recognize the importance of Ohio's county fairs and to urge continued state support for those fairs.

To the Committee on Agriculture.

**S. C. R. No. 25**-Senator Gibbs, et al.

To memorialize the Congress and the Administration of the United States to maintain the current capital gains tax treatment or classification for tax purposes of promoted or carried interest used by real estate partnerships.

To the Committee on Ways and Means and Economic Development.

**S. C. R. No. 26**-Senator Sawyer, et al.

To recognize March 25 through April 1, 2010, as Census Week 2010.

To the Committee on State and Local Government and Veterans' Affairs.

YES - 5: CAPRI S. CAFARO, SHIRLEY A. SMITH, TOM NIEHAUS, BILL HARRIS, DAVID GOODMAN.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Said bills and resolutions were considered a second time and referred to committee as recommended.

**INTRODUCTION AND FIRST CONSIDERATION OF BILLS**

The following bills were introduced and considered the first time:

**S. B. No. 241**-Senator Faber.

Cosponsors: Senators Niehaus, Seitz, Jones.

To amend sections 123.01, 1505.07, and 1531.06, to enact sections 1501.50 and 1501.51, and to repeal sections 5119.40, 5120.12, and 5123.23 of the Revised Code to grant the Department of Natural Resources exclusive authority to enter into leases for oil and gas development on state land.

**S. B. No. 242**-Senators Grendell, Gillmor.

Cosponsors: Senators Buehrer, Schaffer, Husted, Seitz, Widener, Faber.

To amend section 2919.121 of the Revised Code to revise the procedures governing a hearing by which a court may permit a pregnant minor to consent to an abortion or by which a court may give judicial consent for a pregnant minor to have an abortion and to require a court to make its findings with respect to such a hearing by clear and convincing evidence.

### **OFFERING OF RESOLUTIONS**

Pursuant to Senate Rule No. 54, the following resolutions were offered:

**S. R. No. 182**-Senator Widener.

Honoring the Kenton Ridge High School boys bowling team as the 2010 State Champion.

**S. R. No. 183**-Senators Schuring, Turner.

Recognizing April 2010 as Child Abuse and Neglect Prevention Month in Ohio.

The question being, "Shall the resolutions listed under the President's prerogative be adopted?"

So the resolutions were adopted.

### **Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

**Sub. H. B. No. 39** -Representative Fende

Cosponsors: Representatives Hagan, Pillich, Yuko, Brown, Skindell, Boyd, Winburn, Harris, Letson, Celeste, Chandler, DeBose, Domenick, Driehaus, Foley, Harwood, Heard, Koziura, Reece, Stewart, Ujvagi, Weddington, Williams, B.

To amend sections 3781.111, 3781.99, and 4511.69 of the Revised Code to require the removal of snow or ice from special parking locations designated for persons with disabilities and to name the act "The Thomas P. Ashbrock Memorial Act."

**Sub. H. B. No. 276** -Representative Sayre

Cosponsors: Representatives Williams, B., Harris, Domenick, Daniels, Grossman, Brown, Huffman, Pillich, Pryor, Fende, Combs, Newcomb

To amend sections 324.01, 324.03, 1332.24, 2317.02, 2917.21, 2929.01, 4901.01, 4901.02, 4901.11, 4901.15, 4901.22, 4903.01, 4903.20, 4903.22, 4903.23, 4905.01, 4905.02, 4905.03, 4905.04, 4905.09, 4905.12, 4905.14, 4905.16, 4905.18, 4905.20, 4905.21, 4905.26, 4905.30, 4905.34, 4905.40, 4905.402, 4905.41, 4905.42, 4905.45, 4905.46, 4905.47, 4905.51, 4905.52, 4905.58, 4905.59, 4905.61, 4905.63, 4905.71, 4905.73, 4905.84, 4905.90, 4905.99, 4907.01, 4907.14, 4907.30, 4909.01, 4909.02, 4909.03, 4909.17, 4911.01, 4921.01, 4923.01, 4927.01, 4927.02, 4929.02, 4931.02, 4931.03, 4931.04, 4931.11, 4931.99, 4933.14, 4933.18, 4933.19, 4939.01, 5515.01, 5733.57, 6101.17, and 6115.21, to amend sections 4931.11 (4931.05) and 4931.35 (4931.06) for the purpose of adopting new section numbers as shown in parentheses, to enact new sections 4927.03 and 4927.04 and sections 4927.05, 4927.06, 4927.07, 4927.08, 4927.09, 4927.10, 4927.11, 4927.12, 4927.13, 4927.14, 4927.15, 4927.16, 4927.17, 4927.18, 4927.19, 4927.20, 4927.21, and 4931.01, and to repeal sections 4905.041, 4905.23, 4905.231, 4905.24, 4905.241, 4905.242, 4905.243, 4905.244, 4905.25, 4905.381, 4905.49, 4905.491, 4905.50, 4927.03, 4927.04, 4931.06, 4931.07, 4931.12, 4931.13, 4931.14, 4931.15, 4931.16, 4931.17, 4931.18, 4931.19, 4931.21, 4931.22, 4931.25, 4931.26, 4931.27, 4931.28, 4931.29, 4931.30, and 4931.31 of the Revised Code to revise state regulation of telephone companies, remove telegraph companies from utility regulation, and revise law concerning confidential information of public utilities.

Attest: Tom Sherman,  
Clerk.

Said bills were considered the first time.

**Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

**Sub. S. B. No. 77** -Senator Goodman  
Cosponsors: Senators Seitz, Miller, R., Stewart, Schuring, Miller, D., Kearney, Cates, Coughlin, Fedor, Gibbs, Gillmor, Harris, Husted, Niehaus, Patton, Sawyer, Schiavoni, Smith, Strahorn, Turner, Wagoner, Wilson, Morano  
Representatives Amstutz, Bacon, Balderson, Batchelder, Beck, Belcher, Bolon, Boyd, Carney, Coley, Combs, Daniels, Derickson, Domenick, Driehaus, Dyer, Evans, Fende, Gardner, Garland, Garrison, Gerberry,

Grossman, Hackett, Hagan, Hall, Harris, Heard, Hite, Hottinger, Koziura, Lehner, Letson, Maag, Martin, McClain, McGregor, Mecklenborg, Oelslager, Okey, Pillich, Ruhl, Sears, Snitchler, Sykes, Szollosi, Uecker, Ujvagi, Wachtmann, Wagner, Weddington

To amend sections 109.573, 2901.07, 2953.21, 2953.23, 2953.31, 2953.32, 2953.321, 2953.35, 2953.51, 2953.54, 2953.55, 2953.71, 2953.72, 2953.73, 2953.74, 2953.75, 2953.76, 2953.77, 2953.78, 2953.79, 2953.81, 2953.83, and 2953.84, to enact sections 109.561, 2933.81, 2933.82, 2933.83, 2953.56, 2953.57, 2953.58, 2953.59, and 2953.60, and to repeal section 2953.82 of the Revised Code relative to the expansion of DNA testing for certain convicted felons, the elimination of the DNA testing mechanism for felons who pleaded guilty or no contest to the offense, the collection of DNA specimens from all persons eighteen years of age or older who are arrested for a felony offense, the sealing of the official records of persons who have their convictions vacated and set aside due to DNA testing, the preservation and accessibility of biological evidence in a criminal or delinquency investigation or proceeding, the improvement of eyewitness identification procedures, the electronic recording of custodial interrogations, and to provide that DNA records collected in the DNA database and fingerprints filed for record cannot be sealed unless certain circumstances apply.

As a substitute bill, in which the concurrence of the Senate is requested.

Attest: Tom Sheman,  
Clerk.

Said amendments were laid over under the rule.

On the motion of Senator Niehaus, the Senate adjourned until Thursday, March 18, 2010 at 11:00 o'clock a.m.

Attest: VINCENT L. KEERAN,  
Clerk.